

House Engrossed

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 179

# HOUSE BILL 2211

AN ACT

AMENDING SECTIONS 48-805, 48-806 AND 48-807, ARIZONA REVISED STATUTES;  
RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-805, Arizona Revised Statutes, is amended to  
3 read:

4 48-805. Fire district; powers and duties

5 A. A fire district, through its board or elected chief and  
6 secretary-treasurer, shall:

7 1. Hold public meetings at least once each calendar month.

8 2. Prepare an annual budget containing detailed estimated expenditures  
9 for each fiscal year which shall clearly show salaries payable to employees  
10 of the district, including the elected or appointed chief. The budget shall  
11 be posted in three public places and published in a newspaper of general  
12 circulation in the district thirty days prior to a public hearing at a  
13 meeting called by the board or elected chief to adopt the budget. Copies of  
14 the budget shall also be available to members of the public upon written  
15 request to the district. Following the public hearing, the district board or  
16 elected chief and secretary-treasurer shall adopt a budget.

17 3. Determine the compensation payable to district personnel.

18 4. Require probationary employees in a paid sworn firefighter  
19 position, a reserve firefighter position or a volunteer firefighter position  
20 to submit a full set of fingerprints to the fire district. The fire district  
21 shall submit the fingerprints to the department of public safety for the  
22 purpose of obtaining a state and federal criminal records check pursuant to  
23 section 41-1750 and Public Law 92-544. The department of public safety may  
24 exchange this fingerprint data with the federal bureau of investigation.

25 B. A fire district, through its board or elected fire chief and  
26 secretary-treasurer, may:

27 1. Employ any personnel and provide services deemed necessary for fire  
28 protection, for preservation of life and for carrying out its other powers  
29 and duties, including providing ambulance transportation services when  
30 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a  
31 member of a district board shall not be an employee of the district.

32 2. Construct, purchase, lease, lease-purchase or otherwise acquire the  
33 following or any interest therein and, in connection with such construction  
34 or other acquisition, purchase, lease, lease-purchase or grant a lien on any  
35 or all of its present or future property including:

36 (a) Apparatus, water and rescue equipment including ambulances and  
37 equipment related to any of the foregoing.

38 (b) Land and buildings with equipment and furnishings to house  
39 equipment and personnel necessary for fire protection and preservation of  
40 life.

41 3. Finance the acquisition of property as provided in this section and  
42 costs incurred in connection with the issuance of bonds and ~~request the~~  
43 ~~issuance of bonds by the board of supervisors of the county in which the fire~~  
44 ~~district is located~~ as provided in section 48-806. Bonds shall not be issued  
45 without the consent of a majority of the electors of the district voting at

1 an election held for that purpose. For the purposes of an election held  
2 under this paragraph, all persons who are eligible to vote in fire district  
3 elections under section 48-802 and ~~who are owners of real property in the~~  
4 ~~district~~ are eligible to vote.

5 4. Assist the state fire marshal in the enforcement of fire protection  
6 standards of this state within the fire district including enforcement of a  
7 nationally recognized fire code when expressly authorized by the state fire  
8 marshal.

9 5. After the approval of the qualified electors of the fire district  
10 voting at a regular district election or at a special election called for  
11 such purpose by the ~~board of supervisors~~ DISTRICT BOARD OR THE ELECTED CHIEF  
12 AND SECRETARY-TREASURER, AS APPROPRIATE, or at any election held in the  
13 county which encompasses the fire district, adopt the \_\_\_\_\_ fire code,  
14 which is a nationally recognized fire code approved by the state fire  
15 marshal. The words appearing upon the ballots shall be "Should  
16 \_\_\_\_\_ fire district adopt the \_\_\_\_\_ fire code, which is a  
17 nationally recognized fire code approved by the state fire marshal--yes".  
18 "Should \_\_\_\_\_ fire district adopt the \_\_\_\_\_ fire code,  
19 which is a nationally recognized fire code approved by the state fire  
20 marshal--no". Such code shall be enforced by the county attorney in the same  
21 manner as any other law or ordinance of the county. Any inspection or  
22 enforcement costs are the responsibility of the fire district involved. The  
23 district shall keep on file such code which shall be open to public  
24 inspection for a period of thirty days prior to any election for the purpose  
25 of adopting a fire code.

26 6. Amend or revise the adopted fire code with the approval of the  
27 state fire marshal and after a hearing held pursuant to posted and published  
28 notice as prescribed by subsection A, paragraph 2 of this section. The  
29 district shall keep three copies of the adopted code, amendments and  
30 revisions on file for public inspection.

31 7. Enter into an agreement procuring the services of an organized  
32 private fire protection company or a fire department of a neighboring city,  
33 town, district or settlement without impairing the powers granted to it.

34 8. Contract with a city or town for fire protection services for all  
35 or part of the city or town area until the city or town elects to provide  
36 regular fire department services to the area.

37 9. Retain a certified public accountant to perform an annual audit of  
38 district books.

39 10. Retain private legal counsel.

40 11. Accept gifts, contributions, bequests and grants and comply with  
41 any requirements of such gifts, contributions, bequests and grants not  
42 inconsistent with this article.

43 12. Enter into contracts and execute any agreements or instruments and  
44 do any other act necessary or appropriate to carry out its purposes.

1       13. Appropriate and expend annually such monies as are necessary for  
2 the purpose of fire districts belonging to and paying dues in the Arizona  
3 fire district association.

4       14. Adopt resolutions establishing fee schedules for providing fire  
5 protection services and services for the preservation of life including  
6 emergency fire and emergency medical services, plan reviews, standby charges,  
7 fire cause determination, users' fees, facilities benefit assessments or any  
8 other fee schedule that may be required.

9       15. After the approval of the qualified electors of the fire district  
10 voting at a regular district election or at a special election called for  
11 such purpose by the board of supervisors or at any election held in the  
12 county which encompasses the fire district, change its name.

13       C. The chairman and clerk of the district board or their respective  
14 designees or the elected chief and secretary-treasurer, as applicable, shall  
15 draw warrants on the county treasurer for money required to operate the  
16 district in accordance with the budget and, as so drawn, the warrants shall  
17 be sufficient to authorize the county treasurer to pay from the fire district  
18 fund.

19       D. The district shall not incur any debt or liability in excess of  
20 taxes levied and to be collected and the money actually available and  
21 unencumbered at the time in the fund, except as provided in subsection B,  
22 paragraph 2 of this section and in sections 48-806 and 48-807.

23       E. The county attorney may advise and represent the district when in  
24 the county attorney's judgment such advice and representation are appropriate  
25 and not in conflict with the county attorney's duties under section  
26 11-532. If the county attorney is unable to advise and represent the  
27 district due to a conflict of interest, the district may retain private legal  
28 counsel or may request the attorney general to represent it, or both.

29       Sec. 2. Section 48-806, Arizona Revised Statutes, is amended to read:

30       48-806. Bond election; issuance and sale of bonds

31       A. ~~On the request of~~ The district board or the elected chief and  
32 ~~secretary-treasurer, the board of supervisors shall~~ MAY order an election by  
33 the qualified electors of the district to be held ~~not less than thirty nor~~  
34 ~~more than sixty days from the date of the order~~ PURSUANT TO TITLE 16, CHAPTER  
35 2, ARTICLE 1 to determine whether bonds shall be issued on behalf of the  
36 district. The order shall specify the maximum principal amount of bonds to  
37 be issued, the maximum number of years bonds of any issue or series may run  
38 from their date not exceeding thirty years, the purpose for which the bonds  
39 are to be issued, the maximum rate of interest which the bonds are to bear,  
40 the date and hours of the election and the location of the polling places.  
41 Copies of the order shall be posted in three public places within the  
42 district not less than twenty days prior to the date of the election, and if  
43 a newspaper is published within the county having a general circulation  
44 within the district, the order shall be published in the newspaper not less

1 than once a week during each of the three calendar weeks preceding the  
2 calendar week of the election.

3 B. At the election the ballot shall contain the phrases "for the  
4 bonds" and "against the bonds". ~~To the right of and opposite each phrase~~  
5 ~~THERE shall be placed a square approximately the size of squares placed~~  
6 ~~opposite the names of~~ OR OTHER DESIGNATED MARKING SPACE IN THE SAME MANNER AS  
7 USED FOR candidates on ballots. The voter shall indicate a vote "for the  
8 bonds" or "against the bonds" ~~by inserting the mark "x" in the square~~  
9 ~~opposite such phrase.~~ No other question, word or figure need be printed on  
10 the ballot. The ballot need not be any particular size, nor need sample  
11 ballots be printed, posted or distributed.

12 C. If a majority of the qualified electors of the district voting at  
13 the election approves the issuance of bonds, ~~the board of supervisors shall,~~  
14 ~~upon the request of~~ the district board or the elected chief and  
15 secretary-treasurer, as appropriate, MAY issue bonds in an aggregate  
16 principal amount not exceeding the lesser of five per cent of the value of  
17 the taxable property in the district as shown on the last property tax  
18 assessment roll before issuing the bonds or the maximum amount specified in  
19 the election order.

20 D. Bonds may be in such denominations, may be in registered or bearer  
21 form either as to principal or interest, or both, may mature at such times  
22 not exceeding the maximum maturity specified in the election order and may be  
23 subject to redemption prior to maturity, all as specified ~~in the request~~  
24 ~~submitted to the board of supervisors~~ by the district board or elected chief  
25 and secretary-treasurer, as appropriate, as provided in subsection C. THE  
26 DISTRICT MAY ENGAGE THE SERVICES OF A DEPOSITORY TO ADMINISTER A BOOK ENTRY  
27 SYSTEM FOR THE BONDS. THE COSTS AND EXPENSES OF SUCH DEPOSITORY AND ANY  
28 REGISTRAR OR PAYING AGENT FOR THE BONDS SHALL BE DEEMED TO BE INTEREST  
29 EXPENSES THAT MAY ALSO BE PAID FROM THE TAX LEVY MADE PURSUANT TO SUBSECTION  
30 G OF THIS SECTION.

31 E. Bonds shall be executed by the manual or facsimile signatures of  
32 ~~the chairman of the board of supervisors and the chairman AND CLERK of the~~  
33 ~~district board or elected chief of AND SECRETARY-TREASURER OF the district,~~  
34 ~~as appropriate, provided that one such signature is manually affixed.~~  
35 Coupons attached to the bonds shall bear the facsimile signature of the  
36 chairman of the ~~board of supervisors~~ DISTRICT BOARD OR THE ELECTED CHIEF OF  
37 THE DISTRICT, AS APPROPRIATE.

38 F. ~~Notice of sale of the bonds shall be published by the board of~~  
39 ~~supervisors in a newspaper of general circulation in the county once a week~~  
40 ~~for four successive weeks before the sale of the bonds. The notice of sale~~  
41 ~~shall specify the date and hour for receipt of sealed bids, and the board of~~  
42 ~~supervisors shall award the bonds to the highest and most responsible bidder~~  
43 ~~at not less than par plus accrued interest.~~ THE DISTRICT BOARD MAY SELL THE  
44 BONDS AT PUBLIC OR PRIVATE SALE OR THROUGH AN ON-LINE BIDDING PROCESS. IN  
45 ADDITION, THE DISTRICT BOARD MAY NEGOTIATE LOAN AGREEMENTS OR LOAN REPAYMENT

1 AGREEMENTS WITH THE GREATER ARIZONA DEVELOPMENT AUTHORITY IN LIEU OF SELLING  
2 BONDS WHERE AUTHORITY TO SELL BONDS HAS BEEN GRANTED BY THE DISTRICT'S  
3 VOTERS. The proceeds of sale on the bonds shall be deposited in an account  
4 of the fire district fund to be known as the capital fund to be applied for  
5 the purpose for which the bonds were issued.

6 G. After the bonds are issued, the ~~board of supervisors~~ DISTRICT BOARD  
7 OR ELECTED CHIEF AND SECRETARY-TREASURER, AS APPROPRIATE, shall enter on its  
8 minutes a record of the bonds sold and shall annually DETERMINE THE AMOUNT OF  
9 THE TAX levy and TO PAY THE BONDS AND CERTIFY SUCH AMOUNT TO THE BOARD OF  
10 SUPERVISORS OF THE COUNTY. THE BOARD OF SUPERVISORS SHALL ANNUALLY cause to  
11 be LEVIED AND collected a tax, at the same time and in the same manner as  
12 other taxes are levied and collected upon all taxable property in the  
13 district, sufficient to pay principal of and interest on the bonds as they  
14 become due and payable. Monies derived from the levy of the tax when  
15 collected shall be deposited in the debt service fund and shall be applied  
16 only to payment of the principal of and interest on the bonds. On payment of  
17 the outstanding bonded indebtedness of the district, any monies remaining in  
18 the debt service fund shall be used to reduce the district's property tax  
19 levy in the next fiscal year.

20 Sec. 3. Section 48-807, Arizona Revised Statutes, is amended to read:

21 48-807. County fire district assistance tax; annual budget

22 A. The board of supervisors of a county shall levy, at the time of  
23 levying other property taxes, a county fire district assistance tax on the  
24 taxable property in the county of not to exceed ten cents per one hundred  
25 dollars of assessed valuation. The tax levy provided for in this subsection  
26 shall be a levy of secondary property taxes and shall not be subject to title  
27 42, chapter 17, article 2. The county treasurer shall pay to each district  
28 in the county from the proceeds of the tax an amount equal to twenty per cent  
29 of the property tax levy adopted by the district for the fiscal year in which  
30 the tax will be levied, except that:

31 1. The amount of assistance from the county to a fire district shall  
32 be reduced as follows:

33 (a) By the dollar amount that the fire district receives from the fire  
34 district assistance tax that exceeds three hundred thousand dollars from and  
35 after June 30 of each fiscal year.

36 (b) Except as provided in paragraph 2, if the total amount to be paid  
37 to all districts in the county under this paragraph exceeds the amount to be  
38 raised by the levy of ten cents per one hundred dollars assessed valuation,  
39 then the county treasurer shall pay an amount less than twenty per cent of  
40 the property tax levy of each district. The amount to be paid by the county  
41 treasurer to each district shall be determined by multiplying the proceeds of  
42 the county fire district assistance tax against the proportion that twenty  
43 per cent of the property tax levy of each district bears to the total of  
44 twenty per cent of the property tax levies of all fire districts in the  
45 county.

1           2. For fiscal years beginning from and after July 1, 1992, the amount  
2 of assistance from the county to a fire district shall not be less than the  
3 assistance provided from and after June 30, 1991 through June 30, 1992, if,  
4 for the fiscal year in which the tax will be levied, the district levies a  
5 tax, in addition to any tax levied under section 48-806, of three dollars per  
6 one hundred dollars of assessed valuation and the assessed valuation is at  
7 least ninety per cent of the assessed valuation for the 1991 tax year. This  
8 paragraph does not apply to fire districts subject to paragraph 1,  
9 subdivision (a).

10           B. For the purpose of subsection A of this section, the property tax  
11 levy of the fire district shall include in lieu contributions pursuant to  
12 chapter 1, article 8 of this title but shall not include property tax levies  
13 to be applied to the payment of principal and interest on bonds issued  
14 pursuant to section 48-806.

15           C. Notwithstanding subsection A of this section, if two or more fire  
16 districts merge to form a consolidated district, the last amount received by  
17 each fire district from the fire district assistance tax prior to the merger  
18 shall be combined and if the combined amount exceeds three hundred thousand  
19 dollars, the consolidated district may continue to receive that amount from  
20 the fire district assistance tax.

21           D. If two or more fire districts merge to form a consolidated district  
22 and the total of the amounts received by each fire district from the fire  
23 district assistance tax is less than three hundred thousand dollars, the  
24 consolidated district may continue to receive monies until its receipts total  
25 three hundred thousand dollars, as prescribed in subsection A of this  
26 section.

27           E. Not more than ten days after the perfection of the organization of  
28 a fire district, and thereafter not later than August 1 of each year, the  
29 chief and the secretary-treasurer of the district, or if there is a district  
30 board, the chairman of the board, shall submit to the board of supervisors an  
31 estimate, certified by items, of the amount of money required for the  
32 equipment and maintenance of the district for the ensuing year.

33           F. The board, based on the budget submitted by the district, shall  
34 levy, in addition to any tax levied as provided in section 48-806, a tax not  
35 to exceed three dollars TWENTY-FIVE CENTS per one hundred dollars of assessed  
36 valuation against all property situated within the district boundaries and  
37 appearing upon the last assessment roll. The levy shall be made and the  
38 taxes collected in the manner, at the time and by the officers provided by  
39 law for the collection of general county taxes.

40           G. The county treasurer shall keep the money received from such taxes  
41 in a separate fund known as the "fire district fund" of the town or  
42 settlement for which collected. Any surplus remaining in the fund at the end  
43 of the fiscal year shall be credited to the fire district fund of the town or  
44 settlement for which collected for the succeeding fiscal year.

1        H. When a fire district has adopted a budget and the board of  
2 supervisors has levied a fire district tax as provided in subsection F of  
3 this section and the district has insufficient money in its fund with the  
4 county treasurer to operate the district, the elected chief and the  
5 secretary-treasurer, or if there is a district board, the chairman of the  
6 board, on or after August 1 of each year, may draw warrants for the purposes  
7 prescribed in section 48-805 on the county treasurer, payable on November 1  
8 of that year or on April 1 of the succeeding year. The aggregate amounts of  
9 the warrants may not exceed ninety per cent of the taxes levied by the county  
10 for the district's current fiscal year. If the treasurer cannot pay a  
11 warrant for lack of funds in the fire district fund, the warrant shall be  
12 endorsed, be registered, bear interest and be redeemed as provided by law for  
13 county warrants, except that the warrants are payable only from the fire  
14 district fund.

APPROVED BY THE GOVERNOR APRIL 22, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2005.



Passed the House March 24, 2005

Passed the Senate April 14, 2005

by the following vote: 44 Ayes,

by the following vote: 19 Ayes,

16 Nays, 0 Not Voting

11 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Charmian Billings  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18th day of April, 2005

at 12:30 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 22 day of

April, 2005,

at 1:50 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2005,

at 3:53 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2211